

the importance of getting this work completed, including the so-called title V. The administration indicated they wanted title V taken completely out. But once they started reading it and seeing what was in it, they realized there were several provisions in there that, in fact, they liked or that made good common sense. So in the wee hours this morning—it must have been 3 or 4 o'clock—Senator SIMPSON and others were in a room working on this language. Finally, with great difficulty, they came to an agreement. Many portions of title V are still in there. We still have some very reasonable expectations regarding legal immigrants. But the big illegal immigration bill now is in the continuing resolution that we will be taking up in the next couple of days.

So the House of Representatives, not able to get the Gallegly language included in illegal immigration, have now moved it separately. They passed it through the House overwhelmingly, as I understand it. I don't recall the vote. So we have it here in the Senate. We ought to pass the Gallegly language. I will be asking unanimous consent that we proceed to its consideration momentarily.

I still don't see the Democratic whip back from the Cloakroom. Others may wish to speak. I have to wait for his return, so I will yield the floor and perhaps the Senator from South Dakota can speak and allow me to come back.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

#### COMMENDING LEADERSHIP FOR ITS HARD WORK

Mr. PRESSLER. Mr. President, I commend the majority leader and others on the difficulty in bringing the Congress to a close and concluding all ongoing negotiations. I am very proud of the efforts that are being made on the Federal Aviation Administration authorization bill to get that vitally important legislation before the Senate for consideration. I am also very proud of the efforts to bring the Coast Guard bill to closure as well as efforts to agree to a continuing resolution.

With so many constituent interests represented by Congress, sometimes it is quite difficult to reach consensus on legislation. I think this point is not well understood across the country. We have a vast country, and I know that Congress is much criticized for acting slowly or sometimes failing to act. On the other hand, what is the alternative to resolving disputes with such a huge country, with so many Members of Congress, so many citizens, so many different interests? All those come to a head, so-to-speak, at the close of a Congress, and it requires great compromise.

It has been my pleasure to chair the House-Senate conference committee working on the critically important Federal Aviation authorization bill.

The conference report accompanying that bill is ready for immediate consideration by this body. Unfortunately, several of my colleagues have objected to consideration of the conference report because they oppose a single section of that bill, an bipartisan amendment offered by the distinguished Senator from South Carolina, Senator HOLLINGS, in conference. Every Senate conferee voted in favor of the Hollings amendment which makes a technical correction to the Railway Labor Act. An excellent bill is being held up over a difference of opinion relating to 5 lines in a 189 pages aviation safety and security bill.

Mr. President, we cannot adjourn without passing the conference report to the Federal Aviation authorization bill. The House approved the conference report yesterday. If we do not approve the conference report, the Senate will have failed to meet its responsibility to the traveling public. Airports across the country will not receive much needed Airport Improvement Program [AIP] funds for safety-related repairs and other necessary improvements. Two years of tireless efforts to reach a compromise on FAA reform provisions will be lost. Vitally important aviation safety and security provisions will not be put in place. Family members of future aviation disaster victims would be denied the thoughtful, comprehensive protections this legislation would provide to them. Provisions to revitalize air service to small communities will not go into effect. It short, inaction by the Senate on this conference report would be a very serious mistake for which this body would be roundly criticized.

Let me also comment a little bit on agriculture, because I know that at this time of the year, the payments regarding the Freedom to Farm Act are going out to some farmers. That was a controversial bill that was worked out in this Chamber. Let me say that I am proud to have been a part of the leadership team and proud to have voted for freedom to farm. But we need to expand our agricultural markets abroad. We have done that for our commodities, and under NAFTA and GATT, we have exported more agricultural products than ever in our history. There has been some dispute on transshipment of cattle, in terms of Mexico and Canada, under NAFTA. We hope that those issues are resolved and NAFTA is better enforced.

Mr. President, I might also say that, in terms of our agriculture future, Alan Greenspan has said that one of the greatest agricultural farm bills is a balanced budget. I hope that we can continue to expand our agricultural exports, especially as they regard commodity prices.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask that I be permitted to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

#### STATUS OF CALIFORNIA LEGISLATION

Mrs. BOXER. Mr. President, as we come down to the final hours, there are so many pending matters that are important to my home State of California, and it would take far too long to go into all of them in detail. But I thought for purposes of the RECORD I would let my constituents know and my colleagues know where we stand on a number of these issues that are so important. I discuss them not in any order of priority but just as I put them forward.

First of all, I am distressed that we still have not confirmed a judge who is highly qualified to sit on the Federal bench in the Central District Court of California, Margaret Morrow. Republicans in this Congress said, "Look, when you send us a nominee, make sure that he or she has bipartisan support." Senator FEINSTEIN and I and the Senators on this side of the aisle have done that with our nominations, and yet, as my friend from Illinois knows, because he sits on that Judiciary Committee and expressed his great disappointment with the lack of action on these judges, we have not gotten our nominees confirmed. I think it is a great disservice to the people of this country who seek justice, who demand justice, who want swift justice. If you do not have the people on the bench to fulfill the responsibilities that we place upon the courts, we are not going to have justice in this Nation.

This particular nominee, Margaret Morrow, in the last month I asked her could she line up some Republican support, and everyone from the sheriff of Los Angeles to people in the private sector who are registered Republicans wrote magnificent letters about Margaret Morrow, thereby proving that she does have bipartisan, strong support.

It was an honor to recommend such a fine candidate to the President. Her name was submitted to me by my judicial advisory committee for the Central District of California. I did not personally know Ms. Morrow before I recommended her to the administration, but my committee enthusiastically found her to be a superior judicial candidate.

However, despite her strong bipartisan support and strong credentials, her nomination remains indefinitely stalled, with no Member coming forward to explain why she cannot be confirmed.

Margaret Morrow was nominated by the administration on May 10. She received her nominations hearing at the

Senate Judiciary Committee on June 25 and was reported out of committee just 2 days later without any opposition from the committee.

Three months later, Margaret Morrow's nomination sits on the Executive Calendar along with six others, waiting to be moved. These confirmations should not be held hostage for political reasons, Mr. President. Failure of this body to fill these vacancies are felt through backed up caseloads in our Nation's Federal courts. We have a bipartisan interest in ensuring that justice is administered fairly, and in a timely fashion. This means that criminals are brought to justice and civil disputes are resolved within a reasonable period of time.

The vacancy Ms. Morrow would be filling has been vacant since January 24 of this year. If we don't confirm her this session, it will be vacant for at least a full year. I don't think I need to remind this body that the Central District of California in Los Angeles is one of the busiest courts in the Nation.

Before I talk about Ms. Morrow's credentials or historical precedent for judicial confirmations, I wanted to make the point that there is also a personal side to the judicial confirmation process. For nominees who are awaiting confirmation, their personal and professional lives hang in the balance.

Margaret Morrow—a 45-year-old mother and law partner—has had to put her life on hold while she waits for the Senate to approve her nomination. Our delay has affected her ability to take on certain responsibilities at her law practice. Her whole family—particularly her husband and young son—have waited patiently for her confirmation to go through the Senate. Many of us here in the Senate have no idea what kind of strain and stress awaiting confirmation means for these nominees. We owe to her to at least give her a rollcall vote before the end of the session if she cannot be approved through unanimous consent.

Former Majority Leader Bob Dole spoke of this process himself. In June of this year, he suggested giving each nominee a rollcall vote, stating, "We should not be holding people up. If we need a vote, vote them down or vote them up because [the nominees] probably have plans to make and there are families involved." Even then-Majority Leader Dole recognized the necessity to give resolution to nominees out of fairness to these individuals and their families.

In July, it was my understanding that under an agreement between Majority Leader LOTT and the minority leader there would be an attempt to work through the list of 23 Federal court judges on the Executive Calendar at that time. I commend the majority leader for working with his caucus to make this happen for the 17 district court nominees that were confirmed during that period. However, two district court nominees, including Margaret Morrow, were not included in

this group. And none of the circuit court nominees were moved—including another Californian, William Fletcher, for the Ninth Circuit Court of Appeals.

Mr. President, I am unaware of any substantive reason why Ms. Morrow's nomination has not gone through. If another Member of this body has a reason for opposing her confirmation, I want the opportunity to discuss their objections, and her nomination brought to a vote before the full Senate.

#### MARGARET MORROW'S STRONG LEGAL CREDENTIALS

I want to take this time to fully explain why Ms. Morrow will be an excellent addition to the Federal bench. Let me review the highlights of Ms. Morrow's respected professional background.

For over 21 years, Ms. Morrow has distinguished herself as a private practice attorney. She is currently a partner at the Los Angeles firm of Quinn, Kully, and Morrow, where she has been since 1987. Prior to 1987, she was an attorney with Kadison, Pfaelzer, Woodard, Quinn, and Rossi. During her years in private practice, she has gained extensive experience in appellate litigation in both the Federal and State courts involving complex civil and commercial cases.

Ms. Morrow graduated with honors from Bryn Mawr College and Harvard Law School. She is married to Judge Paul Boland of the Los Angeles Superior Court. They have one son, Patrick Morrow Boland who is 9 years old.

In addition to her practice, Ms. Morrow served as the president of the State Bar of California from 1993 to 1994. This is a particularly noteworthy accomplishment because she was the first woman to be elected president in their 67-year history.

From 1988 to 1989, she served as president of the Los Angeles County Bar Association where she created and served on the Pro Bono Council, calling on each association member to devote at least 35 hours a year toward pro bono representation for the poor. This policy was the first of its kind in California and generated more than 150,000 additional hours of pro bono representation.

Ms. Morrow has also been active in the Ninth Circuit Judicial Conference, and on committees of the California Judicial Council. She has served on the Board of Directors of the Association of Business Trial Lawyers and taught numerous seminars on complex business litigation for the association. California Law Business listed her as 1 of the top 20 lawyers in 1994 and Los Angeles Business Journal named her as 1 of the 100 outstanding L.A. business attorneys in February 1995.

From 1989 to 1990, Ms. Morrow served on the highly respected Commission to Draft an Ethics Code for the Los Angeles City Government.

And Ms. Morrow has taught classes and seminars for numerous organizations, including the State Bar of Cali-

fornia, the Federal Bar Association, and the California Judges Association.

BIPARTISAN SUPPORT FOR MARGARET MORROW  
I further want to stress that there is wide bipartisan support for Ms. Morrow's nomination to the Central District of California. Many of California's prominent and conservative Republican lawmakers and elected officials support her confirmation.

Los Angeles Mayor Richard Riordan writes in strong support of Ms. Morrow's nomination. He adds that Morrow, "would be an excellent addition to the Federal bench. She is dedicated to following the law, and applying it in a rational and objective fashion."

James Rogan, Republican Assembly majority leader to the California Legislature, wrote to Senator LOTT urging his support of Ms. Morrow's nomination. He writes that Ms. Morrow is, "tough, thoughtful, and fair" adding that he has every confidence that she would be, "conscientious in applying the law."

The District Attorney of Orange County, Mike Capizzi, California writes to Senator LOTT, "I have absolutely no hesitation in commending her nomination to you as being among the very best ever likely to come before you. . . Of particular interest to crime victims, law enforcement and public prosecutors are her initiatives and achievement in the fields of juvenile justice and domestic violence, where her efforts have helped focus and national attention."

He ends his letter by stating:

"The record of scholarship, citizenship, and dedication to improving the legal system that Margaret will bring with her to the federal bench reveals great promise for a truly exceptional jurist of whom we will all be proud. I sincerely, wholeheartedly and enthusiastically entreat you to confirm Margaret's nomination for appointment to the district court, without delay. We need her."

In a letter to Chairman HATCH, Chief Judge Roger Boren of the California State Court of Appeal, Second Appellate District, says Ms. Morrow enjoys the greatest respect from a broad spectrum of the California bar and judiciary.

Los Angeles County Sheriff Sherman Block also writes favorably of Margaret Morrow's nomination. In his letter, Sheriff Block says Margaret Morrow is an extremely hard working individual of impeccable character and integrity.

Lod Cook, Chairman Emeritus of ARCO, and a prominent Republican in the State of California wrote of Ms. Morrow:

I am convinced she is the type of person who would serve us well on the federal bench. I believe she will bring no personal or political agenda to her work as a judicial officer. Rather, her commitment will be to ensuring fairness and openness in the judicial process and to deciding cases on the facts and the law as they present themselves.

#### HISTORY OF JUDICIAL CONFIRMATIONS

Mr. President, the Judiciary Committee has already carefully reviewed Ms. Morrow's

background and qualifications for this position.

They have reviewed stacks of information she provided to the committee, a full FBI background investigation, and her testimony before the committee. No objections were raised by committee members, and she was reported out of Committee only two days after her nominations hearing.

To provide some historical context, in 1992, every one of the 66 nominees approved by the Senate Judiciary Committee were approved by the full Senate. Every single nominee, Mr. President—and that was when we had a Republican administration and a Democratically controlled Senate. Included in those 66 judges were 11 court of appeals nominees. In 1992, the Democratic Senate confirmed the highest number of judges of any year of President Bush's term. And the confirmations did not slow as the election approached. During the four-month period between June and September, the Senate Judiciary Committee favorably reported 32 nominees, including 7 appeals court nominees.

In contrast, the Senate Judiciary Committee held only six hearings between January and September of this year. The Senate has so far confirmed a total of only 17 district court nominees, with little indication or commitment from the Republican leadership that we will move any more.

Mr. President, this Senate has failed to confirm a single appeals court judge this year. Not one, Mr. President. No Congress in at least 40 years has failed to confirm a single court of appeals judge. Is this the kind of precedent this Senate wants to establish?

In fact, even if all of the nominees pending before the Judiciary Committee are confirmed, the total number of judges confirmed this year will be one of the lowest election year total in over 20 years. In 1988, the Senate confirmed 42 judges, including 7 court of appeals nominees. In 1984, the Senate confirmed 43 judges including 10 court of appeals nominees. In 1980, 64 judges were confirmed, including 9 court of appeals nominees. In 1976, 32 judges were confirmed, including 5 court of appeals nominees.

Since every candidate has bipartisan support, the Senate should at the very least, grant a vote on Ms. Morrow's nomination if unanimous consent is not possible.

In sum, Mr. President, I am fully confident that the Members of the Senate will agree with me that Margaret Morrow's qualifications are outstanding and she is deserving of expeditious Senate confirmation. Her exceptional experience as an attorney, her professional service, and her deep commitment to justice qualify her to serve our Nation and the people of California with great distinction. And as evidenced by the letters I have read from, she has strong bipartisan support from some of the most prominent and conservative Republicans in my State.

I urge the distinguished Majority Leader to work with the Minority Leader to move for her immediate confirmation through unanimous consent or to schedule a rollcall vote.

So I just want to make one more plea to the majority leader. This is a nominee who was on the original list of 23 judges. There are only two left, one from California, one from Hawaii, and I do not think it does this Republican Congress any good at all as they go home to campaign when the people realize that they have approved the fewest judgeships in recent memory. We should not be playing politics with the courts.

We also had an excellent candidate in Richard Paez for the circuit court, and again action stalled on a nominee who actually got approved by this Congress for a district court judgeship. Why on Earth would we not move him up, boost him up?

Mr. President, I see that the majority leader is in the Chamber, and I will wrap up my comments in 1 minute. I appreciate him yielding to me.

I am pleased that we see no action on the Ward Valley land transfer, which would put a low-level nuclear dump in my State. We have fought that and we have stopped that from coming up.

I am very excited that it looks as if the Cruise Ship Revitalization Act will become the law of the land, thereby bringing hundreds of millions of dollars and revenues to California.

I am disappointed that we still do not have the Presidio legislation enacted. We are still working on that. I compliment my colleague, Senator FEINSTEIN, for working so hard to put together a negotiated settlement on part of the Headwaters Forest. She worked very long and hard on that.

I will have further to say on an issue very dear to the hearts of the people of my State, and frankly most of the schoolchildren in this country, and that is dolphin protection. Because I think we were able to ward off a real frontal attack on safety of dolphins, and I will speak more about that later.

So, thank you very much, Mr. President. I am pleased the administration got more money for education and the environment. These things are very, very important to this country.

I yield whatever time I have remaining.

Mr. LOTT. I thank the Senator from California for allowing us this opportunity to do some unanimous consent requests. I know the Senator from Kentucky is here for that purpose.

#### UNANIMOUS CONSENT REQUEST— H.R. 3539

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of the conference report to accompany the FAA reauthorization bill and the report be considered as having been read.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, reserving the right to object, I shall object.

There was what is not a technical correction put on in conference, a provision that affects one corporation, benefits one corporation, and a provision that was defeated in the Appropriations Committee just 2 weeks ago when there was an attempt to put it on. I do not think this is the way we ought to be legislating. If that provision is taken off, I will be happy to support it. But I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I could be heard just briefly further with regard to that? I just came from the Democratic leader's office in which we were discussing this matter. We are still very hopeful something can be worked out. I know an effort is underway there.

Had the Senate been able to proceed to this very vital conference report, it was my intention to file a cloture motion, which would call for the cloture vote on Monday. Since our colleagues have chosen to object to the conference report, I cannot file that cloture motion. Consequently, the FAA conference report containing funds for the airport trust fund, essential air service, and addressing safety matters at our Nation's airports, is therefore in dire straits now. We are not sure exactly how we are going to be able to proceed, but I know a good-faith effort is underway, and I am hoping in the next few minutes something can be worked out that is fair.

Otherwise, we are either going to see the FAA reauthorization not be completed, which causes major problems with our airline industry, or we may be forced to ask our Senators to be prepared to vote on Sunday afternoon. That is an option we are reviewing. That also could entail having to have votes on Tuesday, inconveniencing everybody concerned. But maybe we can find a way to get to a conclusion without having to do it that way.

Does the Senator from Kentucky have a comment on that?

Mr. FORD. Mr. President, I agree with the majority leader. I would prefer we not be in this position. It was inadvertently left out of the law, and now they have seized on it and it has become a fight. I understand that very well.

But it was defeated. The Senator from Illinois did not say it was 11 to 11. It was not a huge defeat; it was a tie. So 11 people in the committee voted for it. So there was some support at that time, and I do not think much work had been done. If some work had been done, it probably would have been taken care of there and we would not be fooling with it on this bill.

I am not a lawyer, I am just on the jury. I am trying to listen to all these lawyers running around town trying to tell me what is and what is not. The jury tells me that we need to do something for the country as it relates to